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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/755,630	01/12/2004	Christian Jackson	IJ0049USNA	9393
23906 7590 02/06/2009 E I DU PONT DE NEMOURS AND COMPANY LEGAL PATENT RECORDS CENTER BARLEY MILL PLAZA 25/1122B 4417 LANCASTER PIKE WILMINGTON, DE 19805				
EXAMINER MARTIN, LAURA E				
ART UNIT 2853		PAPER NUMBER		
NOTIFICATION DATE 02/06/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PTO-Legal.PRC@usa.dupont.com

Office Action Summary

Application No.

10/755,630

Applicant(s)

JACKSON ET AL.

Examiner

LAURA E. MARTIN

Art Unit

2853

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-8, 10, and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osumi et al. (US 6375317 B1) in view of Katsuragi et al. (EP 1125994 A).

Osumi et al. disclose the following claim limitations:

As per claims 1 and 10: a first ink comprising a self-dispersing pigment (column 2, lines 20-28) colorant dispersed in an aqueous vehicle, wherein the first ink comprises a soluble polymer binder or/and an effective amount of calcium cation (column 6, lines 34-37).

As per claims 4 and 16: an effective amount of a calcium cation (column 6, lines 34-37).

As per claims 5 and 17: at least one of the colored inks being a first ink (self-dispersible carbon black - claim 1).

As per claims 8 and 19: the self-dispersing pigment in the first ink is self-dispersing carbon black pigment (column 2, lines 20-28) comprising anionic hydrophilic moieties (column 4, lines 10-22).

Osumi et al. do not disclose the following claim limitations:

As per claims 1 and 10: a fixing fluid comprising a soluble copper salt in a second aqueous vehicle.

As per claims 5 and 17: at least four differently colored inks, at least one of the colored inks being a first ink.

As per claim 6: at least four differently colored pigmented inks.

Katsuragi et al. disclose the following claim limitations:

As per claims 1 and 10: a fixing fluid comprising a soluble copper salt in a second aqueous vehicle [0049].

As per claims 5 and 17: at least four differently colored inks, at least one of the colored inks being a first ink [0051] and [0053].

As per claim 6: at least four differently colored pigmented inks [0051] and [0053].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the ink set taught by Osumi et al. with the disclosure of Katsuragi et al. in order to create an image with less bleeding and better water fastness.

As per claims 7 and 18, Osumi et al. as modified discloses the claimed invention except for the soluble copper in the fixing fluid present at a level of at least 0.05 mole/L. It would have been obvious to one having ordinary skill in the art at the time the invention was made to vary the range of concentrations, since it would have been held that where the general conditions of the claim are disclosed in the prior art, discovering the optimum or workable ranges involves only routine skill in the art. *In re Aller* 105 USPQ 233.

Claims 2, 3, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osumi et al. (US 6375317 B1) and Katsuragi et al. (EP 1125994 A), and further in view of Yue et al. (US 6461418 B1).

Osumi et al. as modified disclose the following claim limitations:

The ink set taught in claims 1 and 10.

Osumi et al. as modified do not disclose the following claim limitations:

As per claims 2 and 14: the first ink comprises a soluble polymer binder.

As per claims 3 and 15: the soluble binder is a substantially linear, anionic polymer having a number average molecular weight in the range of 1000 to 20000.

Yue et al. disclose the following claim limitations:

As per claims 2 and 14: the first ink comprises a soluble polymer binder (column 3, lines 60-67 - example 2).

As per claims 3 and 15: the soluble binder is a substantially linear, anionic polymer having a number average molecular weight in the range of 1000 to 20000 (column 4, lines 15-25).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the ink set and method taught by Osumi et al. as modified with the disclosure of Yue et al. in order to create a higher quality ink with higher levels of water fastness, light fastness, and rub resistance.

Claims 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osumi et al. (US 6375317 B1) and Katsuragi et al. (EP 1125994 A), and further in view of Suzuki et al. (US 6153001 A).

Osumi et al. as modified disclose the following claim limitations:

The ink set taught in claims 1 and 10.

Osumi et al. as modified do not disclose the following claim limitations:

As per claims 9 and 20: the anionic hydrophilic moieties on the self-dispersing carbon black pigment are primarily carboxyl groups.

Suzuki et al. disclose the following claim limitations:

As per claims 9 and 20: the anionic hydrophilic moieties on the carbon black pigment are carboxyl groups (column 7, lines 35-52).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the ink set and method taught by Osumi et al. as modified with the disclosure of Suzuki et al. in order to create a higher quality ink with better stability.

Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Osumi et al. (US 6375317 B1) and Katsuragi et al. (EP 1125994 A), and further in view of Katsuragi et al. (EP 1191077).

Osumi et al. disclose the following claim limitations:

The method and ink set of claim 10.

Osumi et al. do not disclose the following claim limitations:

As per claim 11: the fixing fluid is jetted onto the substrate before the first ink and the area of the substrate covered by the fixing fluid is substantially covered by the first ink.

As per claim 12: the area fill of the fixing fluid is less than the area fill of the first ink.

As per claim 13: the fixing fluid is applied at an area fill of less than about 60% of the area fill of the first ink.

Katsuragi et al. ('077) disclose the following claim limitations:

As per claim 11: the fixing fluid is jetted onto the substrate before the first ink and the area of the substrate covered by the fixing fluid is substantially covered by the first ink [0071].

As per claim 12: the area fill of the fixing fluid is less than the area fill of the first ink [0073].

As per claim 13: the fixing fluid is applied at an area fill of less than about 60% of the area fill of the first ink [0073].

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method of Osumi et al. as modified with the disclosure of Katsuragi et al. ('077) in order to improve printing quality. It is well known to apply different amounts of fixing fluid and fill different amounts of area with fixing fluid when printing an image.

Response to Arguments

Applicant's arguments filed 11/12/08 have been fully considered but they are not persuasive.

Applicant argues that fixing fluid with a calcium salt have unexpected result when mixed with an ink containing a self dispersing pigment. The examiner notes that in [0049] of Katsuragi et al., a copper salt (copper (II) gluconate) was disclosed. It is also disclosed that the ink that comes into contact with the fixing fluid contains a self dispersing carbon black ink. While the reference discloses that calcium or magnesium are more preferable within the fixing fluid, copper is still disclosed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAURA E. MARTIN whose telephone number is (571)272-2160. The examiner can normally be reached on Monday - Friday, 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen D. Meier can be reached on (571) 272-2149. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Laura E. Martin

/L. E. M./
Examiner, Art Unit 2853

/Manish S. Shah/
Primary Examiner, Art Unit 2853